

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Civil Action No. 41-1395 (WCC)

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,

Defendant.

In the matter of the Application for the
Determination of Reasonable License Fees for
Performances via Non-Simulcast Transmissions by

MICROSOFT CORPORATION'S MSN.COM
PORTAL WEBSITE

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

WHEREAS, the parties have reached a complete settlement of the issues raised in
the above-captioned proceeding;

IT IS HEREBY ORDERED THAT:

1. The Application brought by the American Society of Composers, Authors
and Publishers against Microsoft Corporation for the Determination of Reasonable
License Fees for Performances via Non-Simulcast Transmissions by Microsoft
Corporation's MSN.com Portal Website, is DISMISSED WITH PREJUDICE and with
each side to bear its own attorneys' fees and costs.

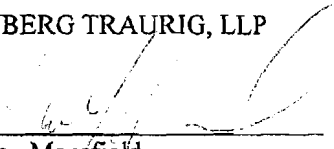
COPIES MAILED TO COUNSEL OF RECORD 4/13/09

2. This Stipulation and Order can be executed via facsimile and in counterpart copies.

3. This proceeding shall be marked CLOSED by the Clerk.

Dated: New York, New York
April 1, 2009

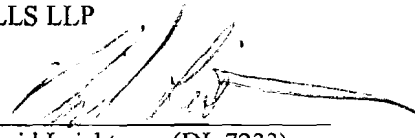
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Dated: New York, New York
April 7, 2009

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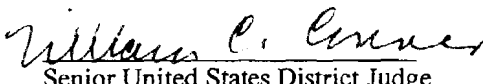
-and-

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*Attorneys for American Society of
Composers, Authors and Publishers*

SO ORDERED.

Dated: White Plains, New York
April 13, 2009
ATL 17,108,380v1 4-1-09


Senior United States District Judge